

REMARKS

Claims 26-37 are pending in the present application. No claims have been amended or canceled.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 26-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,960,214 to Sharpe, Jr., et al. ("Sharpe") in view of U.S. Patent No. 6,314,406 B1 to O'Hagan, et al. ("O'Hagan"). The Applicant respectfully disagrees and submits the following arguments in support of his position.

Sharpe describes a Field Device Management System. Sharpe describes "smart devices" that are capable of transmitting a signal indicative of a value associated with the device (i.e. a measurement), and other information such as troubleshooting information about the device. *See Col. 1 Lines 36-58.* Furthermore, Sharpe describes these smart devices being connected to a distributed control system (DCS) that can access a remote database. *See Figure 1, and Col. 5 Line 65 – Col. 6 Line 57.* As described in Sharpe, the remote database functions as a repository of information sent from the smart devices, so that to operators at the FMS system, off-line smart devices appear as on-line. *See Col. 6 Lines 38-41.*

In contrast, claim 26 requires that a central computer monitoring the smart device request information from the remote database. This database is not for storing data collected by the smart devices to be used remotely, this database is

“maintained and periodically updated by a seller of the smart appliance” to enable the central computer to control the smart appliance. Thus, Sharpe does not teach “sending a request for information from a central computer to a remote database, the central computer monitoring and operating a smart appliance sharing a physical environment with the central computer, the remote database being maintained and periodically updated by a seller of the smart appliance; receiving the requested information from the remote database at the central computer, the information being related to the smart appliance; and transmitting a control signal from the central computer to the smart appliance, the control signal being generated by the central computer based on the information received from the remote database, wherein the control signal functionally operates the smart appliance.” (*emphasis added*)

While the Examiner admits that Sharpe at least does not teach the remote [database] is maintained and periodically updated by a seller of the smart appliance. The Applicant notes that in the above quoted line of paragraph 5 of the Office Action, the Examiner refers to a remote device instead of a the remote database, which can lead to confusion. This confusion may be responsible for the O'Hagan reference cited at Col. 3 Lines 36-65.

O'Hagan discusses portable devices that upon scanning a barcode in a store can display the website of the manufacturer of the product for additional information. The manufacturer of the product is not the manufacturer of the portable device, which appears to be a Web navigation tool. The O'Hagan

reference thus does not teach the limitation purported by the Examiner. Nor is the O'Hagan reference in any way related to central monitoring and control of smart devices.


In light of the arguments above, claim 26 should now be allowed. Independent claims 29, 32, and 35 include similar limitations and should also be allowed. All claims dependent on these allowable independent claims and adding further limitations should also now be allowed.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Adam Furst at (408) 947-8200 ext. 212.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,
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Dated: 4/3, 2003


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